

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CREH, LLC,)	
)	
v.)	CASE NO. 1:24-cv-01336
)	
TWIN CITY FIRE INSURANCE)	
COMPANY)	

NOTICE OF REMOVAL

Twin City Fire Insurance Company files this Notice of Removal pursuant to 28 U.S.C. sections 1332, 1441, and 1446, removing the above-captioned case to the United States District Court for the Western District of Texas, Austin Division. The grounds for removal are as follows:

INTRODUCTION

1. This first-party property lawsuit arises from an insurance claim for purported damages that occurred after an April 2024 storm. CREH, LLC alleges it filed a claim with Twin City, which Twin City purportedly “improperly denied/and or underpaid.” CREH alleges that Twin City is liable for breach of contract and various Texas Insurance Code violations.

2. CREH filed its Original Petition against Twin City on September 30, 2024. (*See* Ex. 1 at 1.) Twin City was served with process on October 3, 2024. (Ex. 3 at 1.) Thus, Twin City timely files this Notice of Removal within the thirty-day period required by 28 U.S.C. § 1446(b); *Jernigan v. Ashland Oil Inc.*, 989 F.2d 812, 815 (5th Cir. 1993).

GROUND FOR REMOVAL

A. Complete diversity of citizenship exists between the parties and the amount in controversy exceeds \$75,000.

4. Upon information and belief, at the time this action commenced and as alleged in CREH's Original Petition, Plaintiff CREH is a limited liability company formed under Texas laws with its primary place of business in Texas. (*See* Ex. 1 at 1, ¶ 1.) It is a manager-managed LLC with a single individual manager residing in Marble Falls, Texas. Therefore, CREH is solely a Texas resident.

5. Twin City is a foreign corporation incorporated under the laws of the State of Indiana with its principal place of business in the State of Connecticut. Therefore, for the purpose of diversity, Twin City is a citizen of the states of Indiana and Connecticut. The parties are completely diverse. *See* 28 U.S.C. § 1332(a).

6. Further, the amount in controversy exceeds \$75,000. CREH seeks damages over \$1,000,000 (Ex. 1 at 2, ¶ 4.)

B. Venue is proper in this division and in this district.

7. CREH filed this action in Burnet County, Texas. The Austin Division of the Western District of Texas encompasses Burnet County, Texas. Thus, this district and division embrace the place where the state court action is pending. *See* 28 U.S.C. § 1441(a).

PROCEDURAL REQUIREMENTS FOR REMOVAL

8. This Notice of Removal is filed within 30 days of the date on which Twin City received the summons and complaint. Thus, this Notice of Removal is timely. *See* 28 U.S.C. § 1446(b).

9. Copies of all processes, pleadings, and orders have been filed separately with this Court. *See* 28 U.S.C. § 1446(a).

10. The following documents are attached to this Notice of Removal, as listed in the Index of Matters Being Filed:

- | | |
|-----------|--|
| Exhibit 1 | Plaintiff's Original Petition |
| Exhibit 2 | Defendant Twin City Fire Insurance Company's Original Answer |
| Exhibit 3 | Service of Process |
| Exhibit 4 | State Court Docket Sheet |
| Exhibit 5 | List of All Counsel of Record and Parties Represented |
| Exhibit 6 | Civil Cover Sheet |
| Exhibit 7 | Supplement to JS 44 Civil Cover Sheet |
| Exhibit 8 | Certificate of Interested Parties |

11. A copy of this Notice of Removal will be filed with the Harris County District Clerk's office promptly and will be served on CREH promptly. *See* 28 U.S.C. § 1446(d).

12. The filing fee has been paid to the Clerk.

CONCLUSION

13. Removal of this action under 28 U.S.C. § 1441(a) is proper as district courts of the United States have original jurisdiction over the matter pursuant to 28 U.S.C. § 1332, and as all requirements for removal under 28 U.S.C. § 1446 have been met.

14. Twin City Fire Insurance Company respectfully requests that the state court action now pending in the 33rd Judicial District Court of Burnet County, Texas be removed and placed on this Court's docket for further proceedings as though it originated in this Court, and that this Court issue all necessary orders. Twin City further requests any further relief that may be necessary to achieve justice.

Respectfully submitted,

CHAMBERLAIN, HRDLICKA, WHITE,
WILLIAMS & AUGHTRY

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**ATTORNEYS FOR DEFENDANT
TWIN CITY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on all counsel of record via facsimile, hand delivery, electronic mail, and/or certified mail on this November 1, 2024.

/s/ Christine Kirchner
Christine Kirchner